

## ORDINANCE NO. 2002-063

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, PERTAINING TO THE ENACTMENT OF THE "DORI SLOSBERG DRIVER EDUCATION SAFETY ACT"; PROVIDING FOR DEFINITIONS; PROVIDING FOR CREATION OF DRIVER EDUCATION SAFETY TRUST FUND, COLLECTION OF AN ADDITIONAL \$3.00 WITH EACH CIVIL TRAFFIC PENALTY TO BE DEPOSITED INTO THE DRIVER EDUCATION SAFETY TRUST FUND, AND ACCOUNTING; PROVIDING FOR DISBURSEMENT OF DRIVER EDUCATION SAFETY TRUST FUND MONIES; PROVIDING FOR APPLICABILITY; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 98, Chapter 2002-20, Laws of Florida, known as the "Dori Slosberg Driver Education Safety Act," authorizes counties to enact an ordinance requiring the clerk of the court to collect an additional three dollars (\$3.00) with each civil traffic penalty to be used to fund driver education programs in public and non-public schools; and

WHEREAS, Palm Beach County is otherwise empowered under Chapter 125, Florida Statutes, to enact ordinances and perform acts which are in the common interest of the people of the County; and

WHEREAS, the Board of County Commissioners of Palm Beach County desires to protect the health, safety, and welfare of the citizens of Palm Beach County by promoting driver education through the collection and disbursement of such funds.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1. DEFINITIONS

a.) Board of County Commissioners shall mean the Board of County Commissioners of Palm Beach County, Florida.

b.) Clerk shall mean the clerk of the circuit court and county court of Palm Beach County.

c.) County shall mean the incorporated and unincorporated

1 areas of Palm Beach County, Florida.

2 d.) County Administrator shall mean the County Administrator,  
3 his successor or designated representative.

4 f.) The term Direct Educational Expenses shall include, but is  
5 not limited to the following types of expenses: motor vehicles;  
6 gas; motor vehicle maintenance; instructor salaries and license  
7 fees; driving simulators; required driving equipment; videos,  
8 compact discs and audio tapes; books and written supplies; motor  
9 vehicle insurance; motor vehicle licenses and tags; additional  
10 equipment required by the State; and any additional equipment  
11 required to accommodate the special needs population for driver  
12 education.

13 **Section 2. CREATION OF DRIVER EDUCATION SAFETY TRUST FUND,**  
14 **COLLECTION OF AN ADDITIONAL \$3.00 WITH EACH CIVIL TRAFFIC PENALTY**  
15 **TO BE DEPOSITED IN THE DRIVER EDUCATION SAFETY TRUST FUND, AND**  
16 **ACCOUNTING**

17 a.) Pursuant to the Dori Slosberg Driver Education Safety  
18 Act, on and after October 1, 2002, the Clerk shall collect an  
19 additional \$3.00 with each civil traffic penalty levied in Palm  
20 Beach County to be used for driver education programs.

21 b.) The Clerk will keep a record of monies collected under  
22 this Ordinance. On a monthly basis, the Clerk of the Circuit Court  
23 shall forward all monies collected under this Ordinance in the  
24 previous month to the Board of County Commissioners for deposit  
25 into a special and separate account titled "Driver Education Safety  
26 Trust Fund." Once each quarter, the Board of County Commissioners  
27 shall receive a report from the County Administrator as to the  
28 amount of money received from the Clerk and deposited into the  
29 Driver Education Safety Trust Fund, and as to the amount of money  
30 disbursed from the Driver Education Safety Trust Fund.

31 **Section 3. DISBURSEMENT OF DRIVER EDUCATION SAFETY TRUST FUND**  
32 **MONIES**

33 a.) Monies deposited into the Driver Education Safety Trust



1 Fund shall be used to financially assist driver education safety  
2 programs in public and non-public schools in the County. The funds  
3 shall be used for direct educational expenses and shall not be used  
4 for administration costs.

5 b.) On an annual basis, a percentage of the funds collected  
6 under this Ordinance shall be disbursed to the School Board of Palm  
7 Beach County for driver education programs in public schools. The  
8 percentage of funds disbursed to the School Board shall be based on  
9 the number of students enrolled in public schools that are eligible  
10 to participate in driver education programs. In order to receive  
11 funding under this Ordinance, the School Board shall execute a  
12 Grant Acceptance Agreement, acknowledging that funds received under  
13 this Ordinance shall only be used for direct educational expenses  
14 for driver education programs, and promising that funds received  
15 under this Ordinance will not be used to replace existing driver  
16 education funding levels or funding sources.

17 c.) A percentage of the funds collected under this Ordinance  
18 shall be made available for disbursement to eligible non-public  
19 schools as part of a grant program. The percentage of funds  
20 disbursed to eligible non-public schools as part of the grant  
21 program shall be based on the number of students enrolled in non-  
22 public schools that are eligible to take driver education.

23 d.) Grant program procedures shall be developed by the County  
24 Administrator and approved by the Board of County Commissioners.  
25 A Grant Program Administrator may be designated by interlocal  
26 agreement, resolution of the Board of County Commissioners, or  
27 other formal directive by the Board of County Commissioners. In  
28 order to receive funds from the Driver Education Safety Trust Fund,  
29 eligible grant applicants shall apply for funds and receive grant  
30 approval in accordance with grant program procedures, and shall  
31 execute a Grant Acceptance Agreement, acknowledging that funds  
32 received under the Ordinance shall only be used for direct  
33 educational expenses for driver education programs, and promising

1 that funds received under this Ordinance will not be used to  
2 replace existing driver education funding levels or funding  
3 sources.

4 e.) Non-public elementary schools, middle schools, and high  
5 schools that offer driver education instruction are eligible to  
6 apply for a grant under this Ordinance.

7 f.) Criteria that may be considered as a basis for grant  
8 selection includes, but is not limited to the following:

9 1.) The number of years the grant applicant has  
10 administered a driver education program;

11 2.) The number of students who have successfully  
12 completed the grant applicant's driver education program;

13 3.) The grant applicant's safety record;

14 4.) The extent to which the grant applicant's curriculum  
15 meets all applicable local, state, and federal guidelines  
16 for driver education programs.

17 g.) Final approval of grant awards shall be made by the Board  
18 of County Commissioners upon recommendation by the Grant Program  
19 Administrator or the County Administrator.

20 h.) Monies that have not been disbursed at the end of each  
21 fiscal year shall be retained for disbursement in the following  
22 fiscal year.

#### 23 **Section 4. APPLICABILITY**

24 This Ordinance shall apply to all civil traffic penalties  
25 levied in the incorporated and unincorporated areas of Palm Beach  
26 County, Florida.

#### 27 **Section 5. REPEAL OF LAWS IN CONFLICT:**

28 All local laws and ordinances in conflict with any provisions  
29 of this Ordinance are hereby repealed to the extent of such  
30 conflict.

#### 31 **Section 6. SEVERABILITY:**

32 If any section, paragraph, sentence, clause, phrase, or word

1 of this Ordinance is for any reason held by the Court to be  
2 unconstitutional, inoperative, or void, such holding shall not  
3 affect the remainder of this Ordinance.

4 **Section 7. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:**

5 The provisions of this Ordinance shall become and be made a  
6 part of the Code of Laws and Ordinances of Palm Beach County,  
7 Florida. The sections of this Ordinance may be renumbered or  
8 relettered to accomplish such, and the word "ordinance" may be  
9 changed to "section", "article", or other appropriate word.

10 **SECTION 8. EFFECTIVE DATE:**

11 The provisions of this Ordinance shall become effective on  
12 October 1, 2002, or upon filing with the Department of State,  
13 whichever is later.

14 APPROVED and ADOPTED by the Board of County Commissioners of  
15 Palm Beach County, Florida, on this the 10 day of  
16 September, 2002.

17 DOROTHY H. WILKEN, Clerk

PALM BEACH COUNTY, FLORIDA, BY ITS  
BOARD OF COUNTY COMMISSIONERS

20 By: Linda S. Wilken  
21 Deputy Clerk

By: [Signature] Chair

22 APPROVED AS TO FORM AND  
23 LEGAL SUFFICIENCY

24 By: [Signature]  
25 County Attorney

26 Filed with the Department of State on the 13 day of  
27 September, 2002.

STATE OF FLORIDA, COUNTY OF PALM BEACH  
I, DOROTHY H. WILKEN, ex-officio Clerk of the  
Board of County Commissioners certify this to be a  
true and correct copy of the original filed in my office  
on September 12, 2002.  
DATED at West Palm Beach, FL on 10/10/02.  
5 DOROTHY H. WILKEN, Clerk  
By: [Signature] D.C.